



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Writ Petition (MD) No.5262 of 2018

and

W.M.P (MD) No.5247 of 2018

S.Kumaran

... Petitioner

Vs.

1. The District Collector,
Pudukottai, Pudukottai District.

2. The Executive Officer,
Keeramangalam Selection Grade
Town Panchayat,
Alangudi Taluk,
Pudukottai District.

3. V.Sivagaminathan,
The Executive Officer,
Keeramangalam Selection Grade
Town Panchayat,
Alangudi Taluk,
Pudukottai District.

4. C.Ravi

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration, declaring the auction conducted by the 2nd respondent pursuant to public auction notice in his proceedings Na.Ka.No.29/2018 dated 28.02.2018 in respect of Item No.7 namely License to collect fee for parking two wheelers and declaring the 4th respondent as successful candidate as illegal and arbitrary and consequently directing the 2nd respondent to conduct Tender - cum - Auction in terms of public auction notice dated 28.02.2018 in a fair and unbiased manner within a time frame fixed by this Court.

For Petitioner	: Mr.B.Saravanan
For 1 st Respondent	: Mr.N.Shanmugaselvam, Additional Government Pleader.
For 3 rd Respondent	: Mr.A.Thiyagarajan
For 2 nd Respondent	: Mr.Ramanathan
For 4 th Respondent	: Mr.Pon.Karthikeyan

**ORDER**

The present writ petition has been filed by the petitioner against the impugned proceedings of the second respondent, declaring the fourth respondent as the successful candidate in respect of item No.7 of the public auction notice dated 28.02.2018 for licence to collect fee for parking two wheelers.

2. According to the learned counsel for the petitioner, the auction was conducted against the procedure contemplated in the tender cum auction notification.

3. Learned counsel appearing for the petitioner submitted that though the notification was for a tender cum auction, only auction was conducted and as such, the entire process is vitiated. He further submitted that by deviating the said process, loss has been caused to the local authorities which is against objective of the tender cum auction process to augment the revenue of the local authorities.

4. Learned Standing Counsel for the second respondent submitted that there was no deviation in the tender process and that the petitioner herein had also participated in the public auction and after giving him due opportunity, the fourth respondent was declared as successful bidder in the tender since he had quoted a sum of Rs.2,66,300/- which is more than the bid amount quoted by the petitioner.

5. Learned counsel for the fourth respondent as well as the learned Additional Government Pleader for the first respondent reiterated the submissions of the learned Standing Counsel for the second respondent.

6. I have given careful consideration to the submissions made by the respective counsels.

7. I have also perused the original tender register of the second respondent wherein it is seen that as per the tender cum auction notification dated 28.02.2018 in respect of licence to collect parking of two wheelers, the petitioner had quoted a sum of Rs.2,66,200/- whereas the fourth respondent had quoted a sum of Rs.2,66,300/-. Since the fourth respondent's bid was higher than the petitioner herein, he had been declared as the successful bidder. Furthermore, the petitioner herein had not submitted any sealed tender and as such he may not be justified in stating that the procedure has been deviated.

<https://hcservices.ecourts.gov.in/hcservices/>

8. As such, I do not find any deviation in the procedure contemplated as per the terms and conditions of the tender



schedule. Hence, the writ petition stands dismissed. No costs. Consequently, W.M.P(MD)No.5247 of 2018 is also dismissed.

Sd/-

Assistant Registrar(CS-I)

WEB COPY

/True Copy/

Sub Assistant Registrar

To

The District Collector,
Pudukottai, Pudukottai District.

+ 1 cc TO Mr.B.Saravanan , Advocate in SR No. 61974

Sms

AE/RSK/SAR1/10.07.2018/3P/3C

Writ Petition (MD) No.5262 of 2018
and

W.M.P (MD)No.5247 of 2018
16.04.2018